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Attorneys for Defendant,
County of Sacramento

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

KIMBERLY PEREZ, individually and as
successor-in-interest to Maurice Holley, Sr.,
deceased; MAURICE HOLLEY, Jr.,
individually and as a successor-in-interest to
Maurice Holley, Sr.; ANGEL HOLLEY,
individually and as a successor-in-interest to
Maurice Holley, Sr., deceased; MITRA
HOLLEY, individually and as a successor-in-
interest to Maurice Holley, Sr. deceased,

Plaintiffs

v.

COUNTY OF SACRAMENTO, a public
entity; and DOES 1-10, inclusive,

Defendants.

Case No.: 2:21-CV-00356-TLN-JDP

**STIPULATION AND ORDER TO
MODIFY THE SCHEDULING ORDER**

Under Federal Rules of Civil Procedure 16(b)(1)(A) and Local Rule 143, the parties,
through counsel, stipulate to and hereby request a modification of this Court's scheduling order.
Pursuant to the Court's Order to Modify the Scheduling Order (ECF No. 12) the current schedule
is as follows:

- Fact discovery cut off: May 25, 2022
- Expert witness disclosure: July 25, 2022
- Supplemental expert disclosure: August 22, 2022
- Dispositive motion deadline: November 22, 2022

1 The parties in this case request an extension only as to the fact discovery cut off. The
2 parties request that the current fact discovery deadline of May 25, 2022, be extended until June 30,
3 2022. The respective deadlines would thus be as follows:

- 4 ○ Fact discovery cut off: June 30, 2022
- 5 ○ Expert witness disclosure: July 25, 2022
- 6 ○ Supplemental expert disclosure: August 22, 2022
- 7 ○ Dispositive motion deadline: November 22, 2022

8 A scheduling order may only be modified upon a showing of good cause and by leave of
9 Court. Fed. R. Civ. Proc. 6(b)(1)(A); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
10 (9th Cir. 1992). In considering whether a party moving for a schedule modification has good
11 cause, the Court primarily focuses on the diligence of the party seeking the modification. *Johnson*,
12 975 F.2d at 609.

13 Plaintiff, Mitra Holley, has twice appeared for a scheduled deposition. The first deposition
14 was noticed and scheduled for May 18, 2022, at 10:00 AM, by way of Zoom. This deposition was
15 not completed, because neither the court reporter, defense counsel, nor the videographer could
16 hear or understand Ms. Holley well enough to make an accurate record. The deposition was
17 adjourned until May 25, 2022, with the hopes that her condition would improve. That deposition
18 was noticed accordingly.

19 Unfortunately, the voice issues remained unchanged. The extent, or permanency, of Ms.
20 Holley's condition remains unknown. In any event, the Parties agreed to reschedule and conduct
21 the deposition a third time, by June 30, 2022, subject to court approval. If the deposition is unable
22 to be completed by Zoom, at defense counsel's discretion, the Parties have agreed to complete the
23 deposition by alternative means – likely by way of written questions.

24 In order to complete the deposition, the Parties seek a modification of the current
25 scheduling order. The Parties agreed to request an extension and modification of the Scheduling
26 Order, to allow for the completion of Ms. Holley's deposition, only. The parties have previously
27 exchanged written discovery, and the depositions of all other Plaintiffs have been completed.

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1 For these reasons, good cause exists to modify the fact discovery cut off deadline.
2 IT IS SO STIPULATED.
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4 Dated: May 31, 2022

LONGYEAR & LAVRA, LLP

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6 By: /s/ Ashley M. Calvillo
VAN LONGYEAR
7 NICOLE M. CAHILL
ASHLEY M. CALVILLO
8 Attorneys for Defendant,
County of Sacramento

9 Dated: May 31, 2022

LAW OFFICES OF TED A. GREENE, INC.

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11 By: /s/ Ted A. Greene [authorized on 5-31-22]
TED A. GREENE
12 Attorneys for Plaintiff,
Kimberly Perez
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14 Dated: May 31, 2022

THE GORDON LAW FIRM

15
16 By: /s/ Chris Gordon [authorized on 5-31-22]
CHRIS GORDON
17 Attorneys for Plaintiffs,
Maurice Holley, Jr., Angel Holley and
18 Mitra Holley
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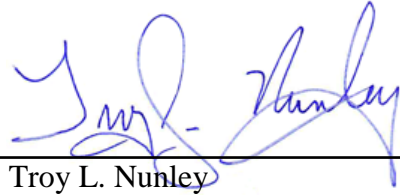
ORDER

Good cause appearing, the parties' stipulated request to modify the Court's Scheduling Order (ECF No. 12) is GRANTED.

The relevant deadlines are ordered as follows:

- Fact discovery cut off: June 30, 2022
- Expert witness disclosure: July 25, 2022
- Supplemental expert disclosure: August 22, 2022
- Dispositive motion deadline: November 22, 2022

DATED: May 31, 2022



Troy L. Nunley
United States District Judge